

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Upon entry of the present amendment, claims 1-2, 4-11 and 17-19 are pending. Claims 1, 4, 6, 9 and 18 are amended. Claim 4 is amended for proper antecedent basis. Claims 1, 6, 9 and 18 are amended to set forth that the population of primary cultured adipocytes express the protein encoded by the foreign DNA for about one year *in vivo* when transplanted in a recipient host. Support is found, for example, on page 3, lines 6-10; on page 8, line 31 through page 9, line 23; on page 36, lines 20-24 and in Figure 13. Example 9 of the Specification reports "Continuous AP production was also confirmed for the other implantation methods, all during the examination period (316 days for the ip group, 54 days for the fat group, 225 days for the Sc group, 317 days for the Mat/Sc group, and 314 days for the two pre-fix groups." See, the Specification at page 36, lines 20-24. Also, it can be seen in Figure 13 that the duration where AP production was confirmed for Dif/Sc group was 360-370 days. No new matter is added by the present amendments, and the Examiner is respectfully requested to enter them.

### **Interview with the Examiner**

Applicants thank the Examiner for the courteous interview on May 11, 2010. The issues discussed are as set forth in the present Office Action and herein. An Interview Summary was mailed on May 12, 2010. It is Applicants' understanding that the present amendments to the claims distinguish over the cited art. As discussed in the response submitted on December 14, 2010, Darimont relies on immortalization of the cells for long term survival.

### **Rejection under 35 U.S.C. § 103(a)**

Claims 1, 2, 4-11 and 17-19 stand rejected under 35 U.S.C. § 103(a), as allegedly obvious over WO 02/06450 ("Darimont") in view of U.S. Patent No. 7,015,037 ("Furcht"). Applicants do not agree with the Examiner's reasoning. However, in the interest of furthering prosecution, Applicants have amended claims 1, 6, 9 and 18 to set forth that the population of primary cultured adipocytes express the protein encoded by the foreign DNA for about one year

*in vivo* when transplanted in a recipient host. Applicants understand from the interview on May 11, 2010 that the Examiner acknowledged that the amended claims distinguish over the cited art. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

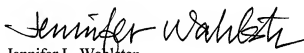
**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
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